
Public Notice

Applicant:

Gernatt Asphalt Products, Incorporated

Date:

Published: February 27, 2003

Expires: March 28, 2003

**U.S. Army Corps
of Engineers****In Reply Refer To:****Buffalo District CELRB-TD-R RE: 2002-02069(0) Section: NY 404**

Application for Permit under Authority of
Section 404 of the Clean Water Act (33 U.S.C. 1344).

Gernatt Asphalt Products, Inc., Taylor-Hollow Road, P.O. Box 400, Collins, New York, 14034, has requested a Department of the Army permit to culvert a portion of Porter Creek during the expansion of their gravel mining operation at Horton Road, in the Town of Great Valley, Cattaraugus County, New York.

The project consists of the following:

- a. Approximately 650 linear feet of Porter Creek will be placed in two 36-inch culverts to carry water under the new processing area. This highly disturbed section presently runs through a barren area with no topsoil located between the Woodmancy and Lindell gravel mines, both of which are permitted. An additional approximately 30 linear feet of the creek will be impacted by the excavation for and placement of a stone apron at the downstream end of the culvert pipes. The remaining downstream section of the creek will be left intact; this section possesses a well-vegetated riparian corridor and exhibits sinuosity, a well-defined bed and banks, and some lower end braiding prior to emptying into Great Valley Creek.
- b. Erosion control structures will be constructed at the foot of the existing culvert under Horton Road to minimize erosion in NYSDEC Stream Pa. 5325-5-2. This non-flowing remnant stream bed exhibits a trapezoidal shape and holds stagnant water after major storm events. The channel is discontinuous, exhibits no consistent ordinary high water line, and possesses an uphill gradient within a few hundred feet after it crosses Horton Road. Based on these field observations made during a site visit on October 2, 2002, this remnant does not meet the definition of a water of the United States and is not jurisdictional under Section 404 of the Clean Water Act.
- c. An elevated conveyor system to transport materials and water will be installed over Great Valley Creek. None of the supporting piers will be installed below ordinary high water or in wetlands.

Therefore, this system is not subject to Department of the Army jurisdiction.

d. As mitigation for the proposed impacts to Porter Creek, the applicant proposes to improve habitat in and along Great Valley Creek in the stretch between the excavation area and the proposed new processing and stockpile area. This improvement will consist of planting clumps of native trees along exposed sections of the stream banks to provide shade and habitat. In addition, in the process of completing the excavation of the east lake in the excavation area, the applicant will create more than a mile of shallow water shoreline habitat (the "shelf" configuration) which is expected to attract a variety of aquatic and amphibious species. No further details have been provided about the habitat improvement locations.

The purpose of the project is to access and expand two existing gravel mines on the far side of Great Valley Creek to furnish economical and locally available building materials for road construction.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Elizabeth W. Stone, who can be contacted by calling (716) 879-4363, or by e-mail at: elizabeth.w.stone@usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207 3199, and should be marked to the attention of Elizabeth W. Stone, or by e-mail at: elizabeth.w.stone@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be

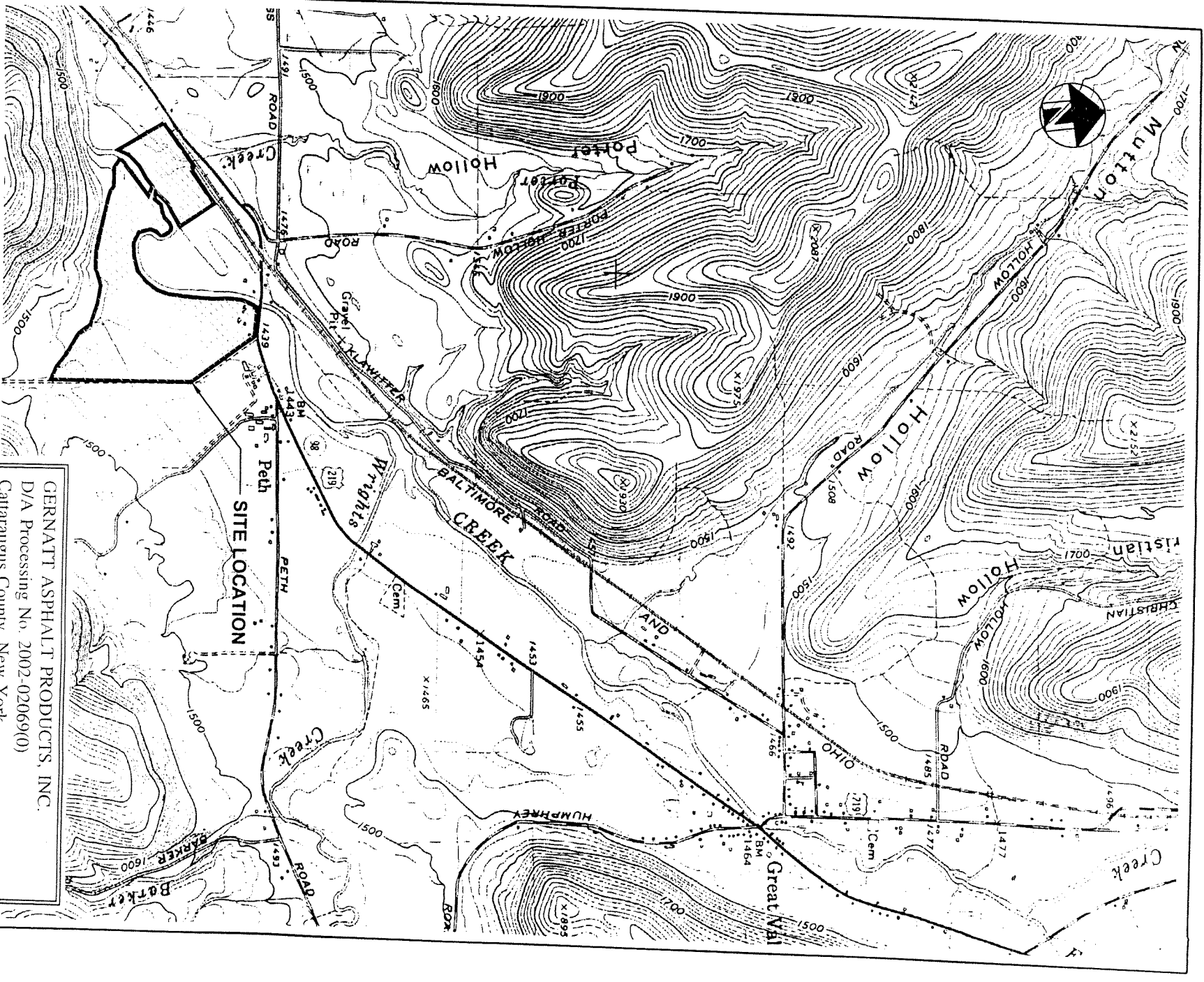
held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Paul G. Leuchner
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.



BASE MAP TAKEN FROM 7.5 MINUTE SERIES
QUADRANGLE SALAMANCA, NEW YORK 1961.

GERNATT ASPHALT PRODUCTS, INC.
D/A Processing No. 2002-02069(0)
Cattaraugus County, New York
Quad: SALAMANCA
Sheet 1 of 10 LOCATION MAP

McMahon & Mann
Consulting Engineers, P.C.

**GERNATT ASPHALT
PRODUCTS INC.**

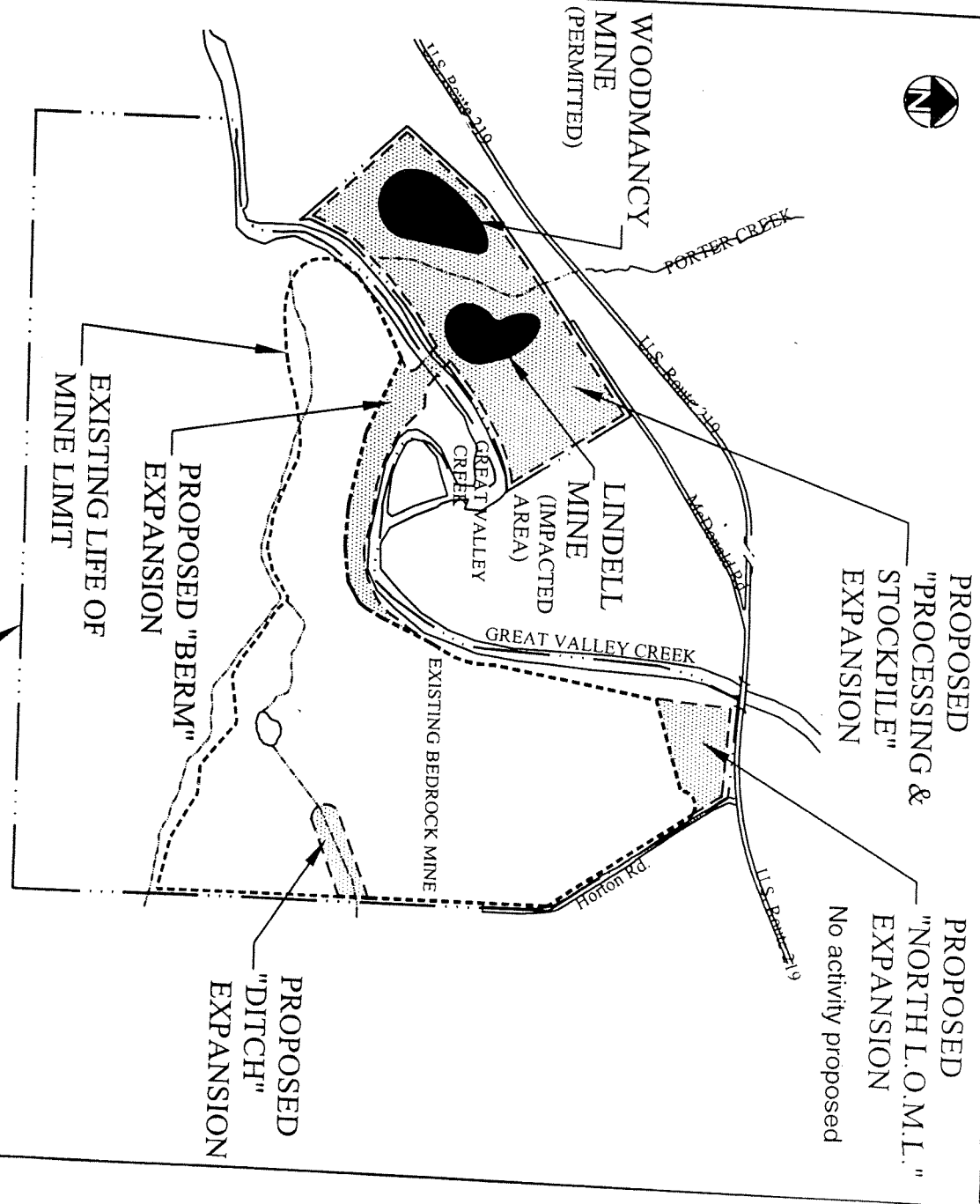
SITE LOCATION PLAN

Dwg. No. 99031011

Cattaraugus County

New York

Figure 1



PROJECT AREA ACREAGE SUMMARY:

		GERNATT PERMITTED ACREAGES	ACREAGES PERMITTED BY OTHERS	PROPOSED EXPANSION	TOTAL
BEDROCK GRAVEL PIT		87			
	BERM			3.94	
	NORTH L.O.M.L.			3.57	
	DITCH			1.33	
	TOTAL	87		8.84	95.84
PROPOSED GRAVEL STOCKPILE & PROCESSING AREA					
	WOODMANCY (1)		6.90	16.69	
	LINDELL (2)		3.15		
TOTAL			10.05	16.69	26.74
TOTAL		87	10.05	25.53	122.58

DRAFT

- NOTES: 1. Woodmancy MLR File #: 9023-30-0515 indicated a permitted acreage of 6.9.
2. A NYS DEC permit # was not issued. The acreage shown is based on mapping of the disturbed area.

GERNATT ASPHALT PRODUCTS, INC.
D/A Processing No. 2002-02069(0)
Cattaraugus County, New York
Quad: SALAMANCA
Sheet 2 of 10 LIFE OF MINE EXPANSION

McMahon & Mann
Consulting Engineers, P.C.

GERNATT ASPHALT PRODUCTS INC.
EXISTING LAND USE

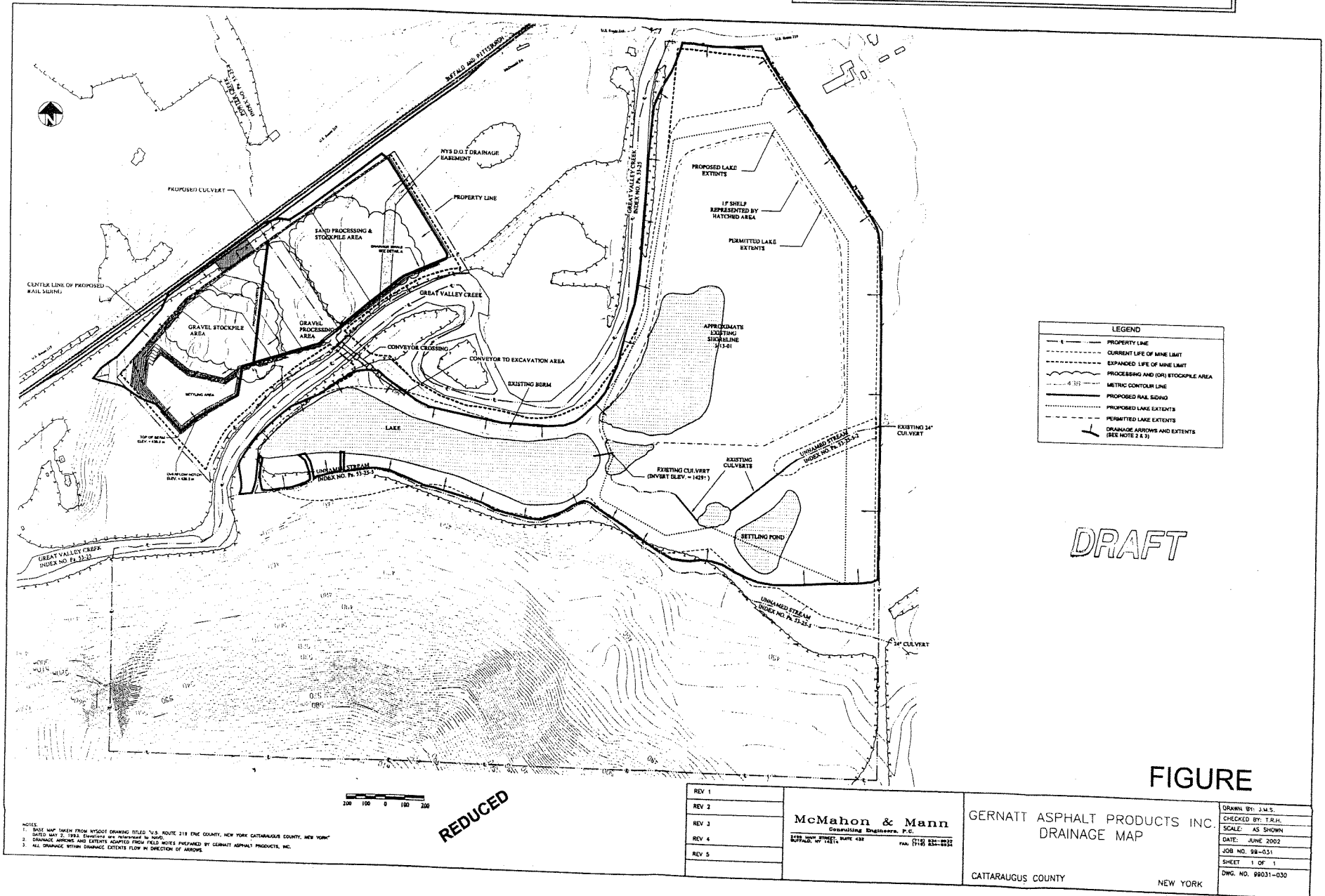
Cattaraugus County

New York

Life of Mine Expansion
Dwg. No. 99031-004

Figure 2

GERNATT ASPHALT PRODUCTS, INC.
D/A Processing No. 2002-02069(0)
Cattaraugus County, New York
Quad: SALAMANCA
Sheet 4 of 10 PROJECT OVERVIEW



McMahon & Mann
Consulting Engineers, P.C.
2495 MAIN STREET, SUITE 432
BUFFALO, NY 14214
FAX: (716) 834-8932

GERNATT ASPHALT PRODUCTS INC.

CATTARAUGUS COUNTY
NEW YORK

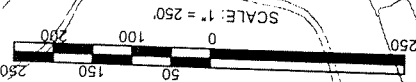
DWG. NO. 99031-012

FIGURE

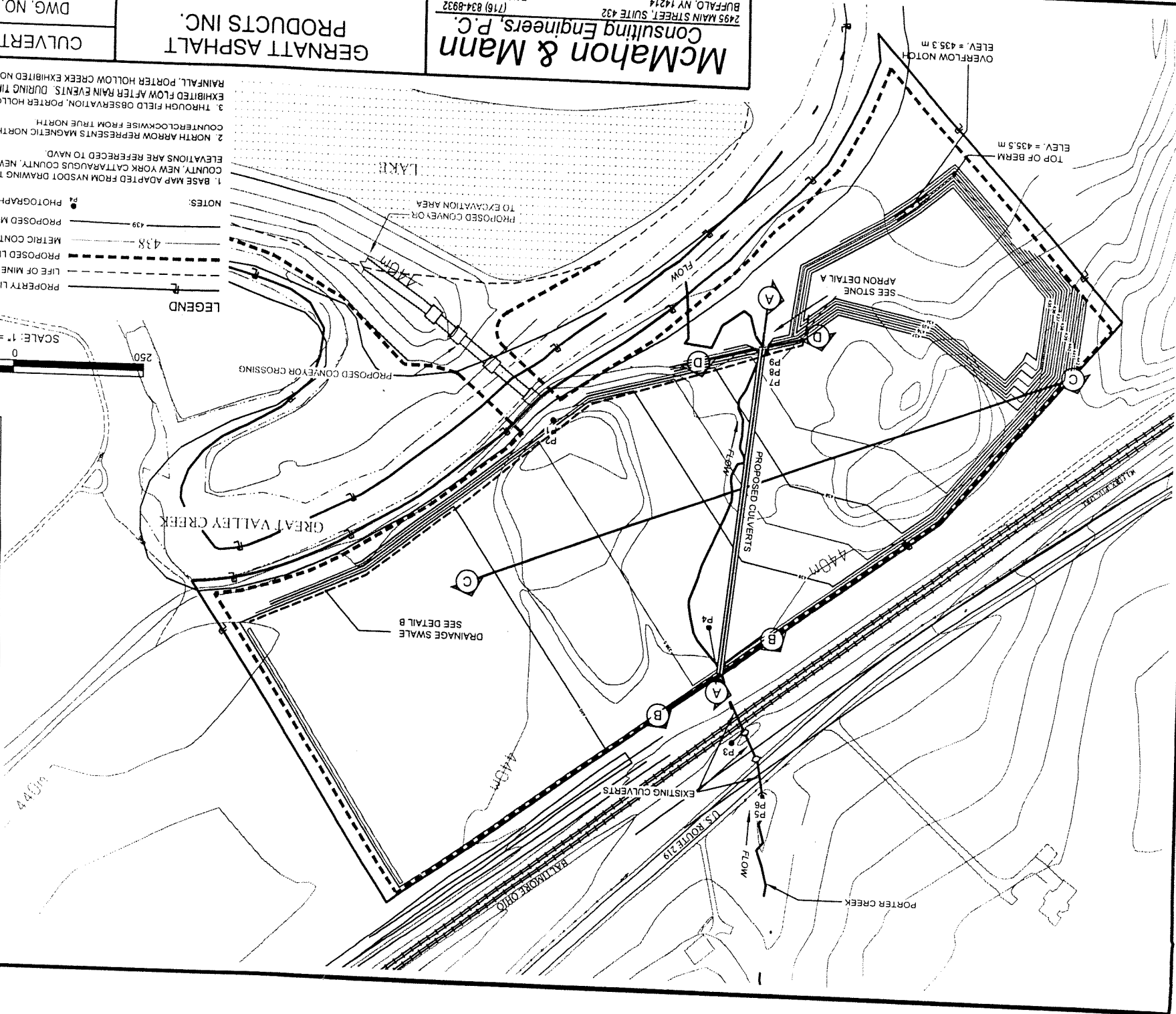
CULVERT PLAN VIEW

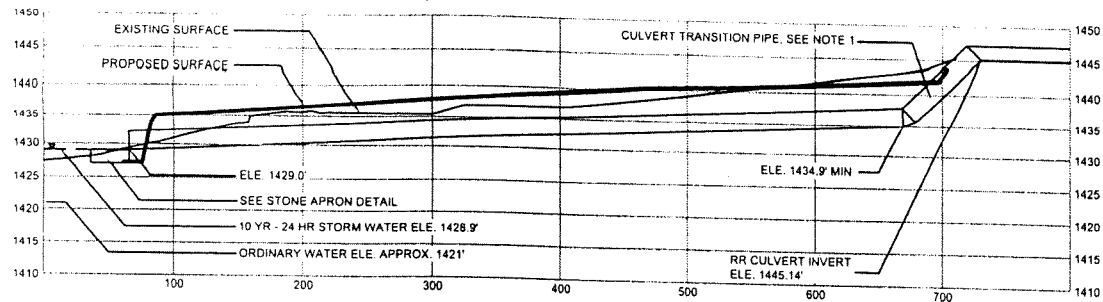
- NOTES:
1. BASE MAP ADAPTED FROM NYSDOT DRAWING TITLED "U.S. ROUTE 219 ERIE COUNTY, NEW YORK CATTARAUGUS COUNTY, NEW YORK" DATED MAY 2, 1993. ELEVATIONS ARE REFERENCED TO NAVD.
 2. NORTH ARROW REPRESENTS MAGNETIC NORTH ROTATED 7.5 DEGREES COUNTERCLOCKWISE FROM TRUE NORTH.
 3. THROUGH FIELD OBSERVATION, PORTER HOLLOW CREEK EXHIBITED NO FLOW RAINFALL. PORTER HOLLOW CREEK EXHIBITED FLOW AFTER RAIN EVENTS. DURING TIMES WHERE THERE WAS NO FLOW.

- LEGEND
- PROPERTY LINE
 - LIFE OF MINE LIMIT
 - PROPOSED LIFE OF MINE LIMIT
 - METRIC CONTOUR LINE
 - PROPOSED METRIC CONTOUR LINE
 - PHOTOGRAPH LOCATION & NUMBER



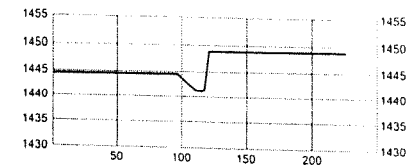
GERNATT ASPHALT PRODUCTS, INC.
D/A Processing No. 2002-02069(O)
Cattaraugus County, New York
Quad: SALAMANCA
Sheet 5 of 10 PORTER CREEK CULVERTS



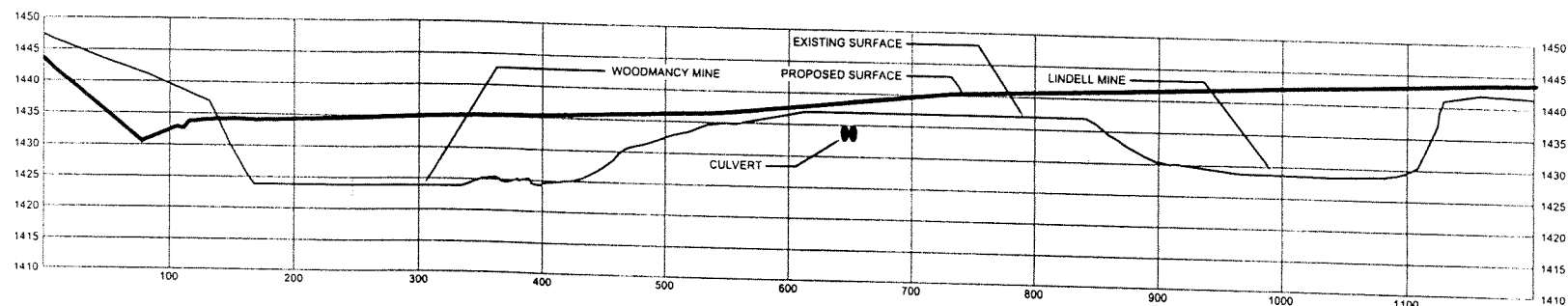


A PROPOSED CULVERT PROFILE
SCALE: HOR. 1" = 150' VER. 1" = 30'

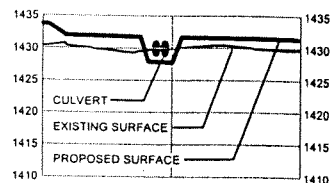
NOTES:
1. Transition pipe will connect existing culvert to proposed



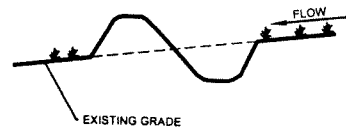
B PORTER CREEK SECTION
SCALE: HOR. 1" = 150' VER. 1" = 30'



C TYPICAL LINDEL & WOODMANCY MINE SECTION
SCALE: HOR. 1" = 150' VER. 1" = 30'



D CULVERT OUTLET SECTION
SCALE: HOR. 1" = 150' VER. 1" = 30'



B DRAINAGE SWALE DETAIL
SCALE: N.T.S.

PERIMETER DIKE/SWALE CONSTRUCTION NOTES:

1. All perimeter dikes/swales shall have uninterrupted positive grade to an outlet.
2. Diverted runoff from a disturbed area shall be conveyed to a sediment trapping device.
3. Diverted runoff from an undisturbed area shall outlet into an undisturbed stabilized area at non-erosion velocity.
4. The swale shall be excavated or shaped to line, grade, and cross section as required to meet the criteria specified in the standard.
5. Stabilization of the area disturbed by the dike and swale shall be done in accordance with the standard and specification for seed and straw mulch, and shall be done within 10 days.
6. Periodic inspection and required maintenance must be provided after each rain event.

GERNATT ASPHALT PRODUCTS, INC.
D/A Processing No. 2002-02069(0)
Cattaraugus County, New York
Quad: SALAMANCA
Sheet 6 of 10 CULVERT PROFILE

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GERNATT ASPHALT
PRODUCTS INC.

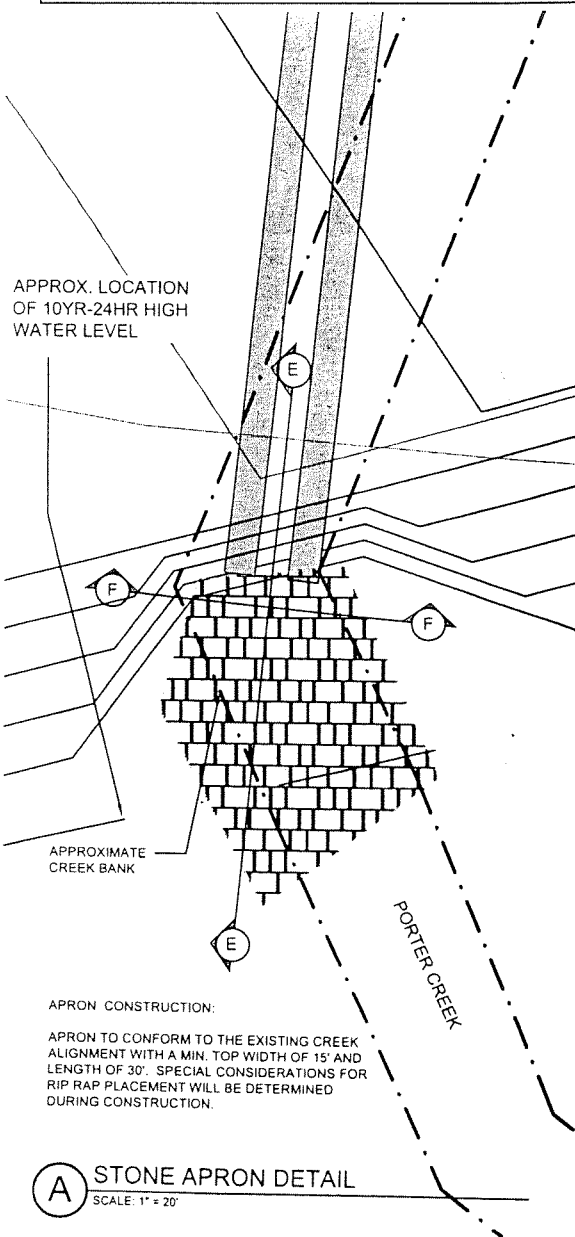
CATTARAUGUS COUNTY NEW YORK

CULVERT SECTIONS

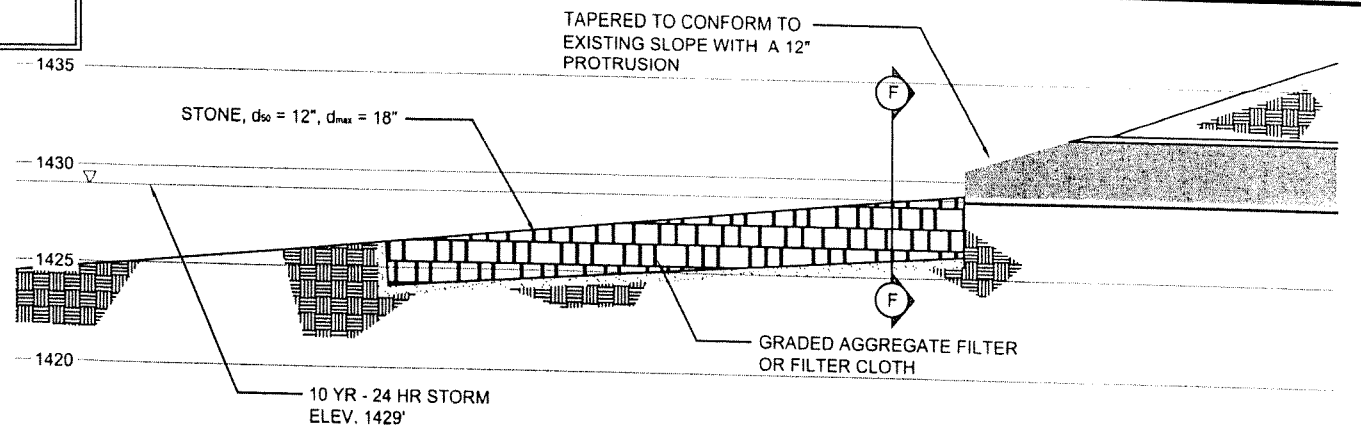
DWG. NO. 99031-012A

FIGURE

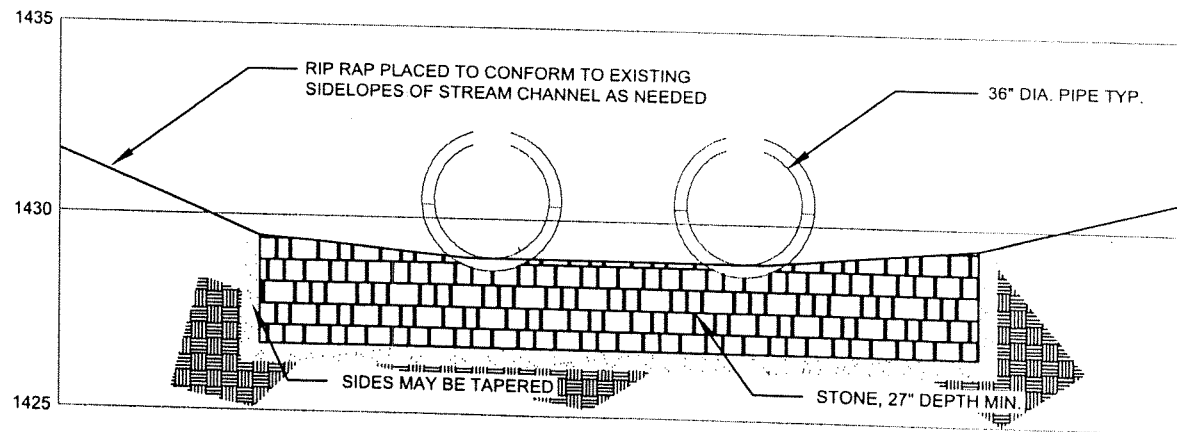
GERNATT ASPHALT PRODUCTS, INC.
D/A Processing No. 2002-02069(0)
Cattaraugus County, New York
Quad: SALAMANCA
Sheet 7 of 10 STONE APRON DETAILS



(A) STONE APRON DETAIL
SCALE: 1" = 20'



(E) STONE APRON SECTION
SCALE: 1" = 10'



(F) STONE APRON SECTION
SCALE: 1" = 5'

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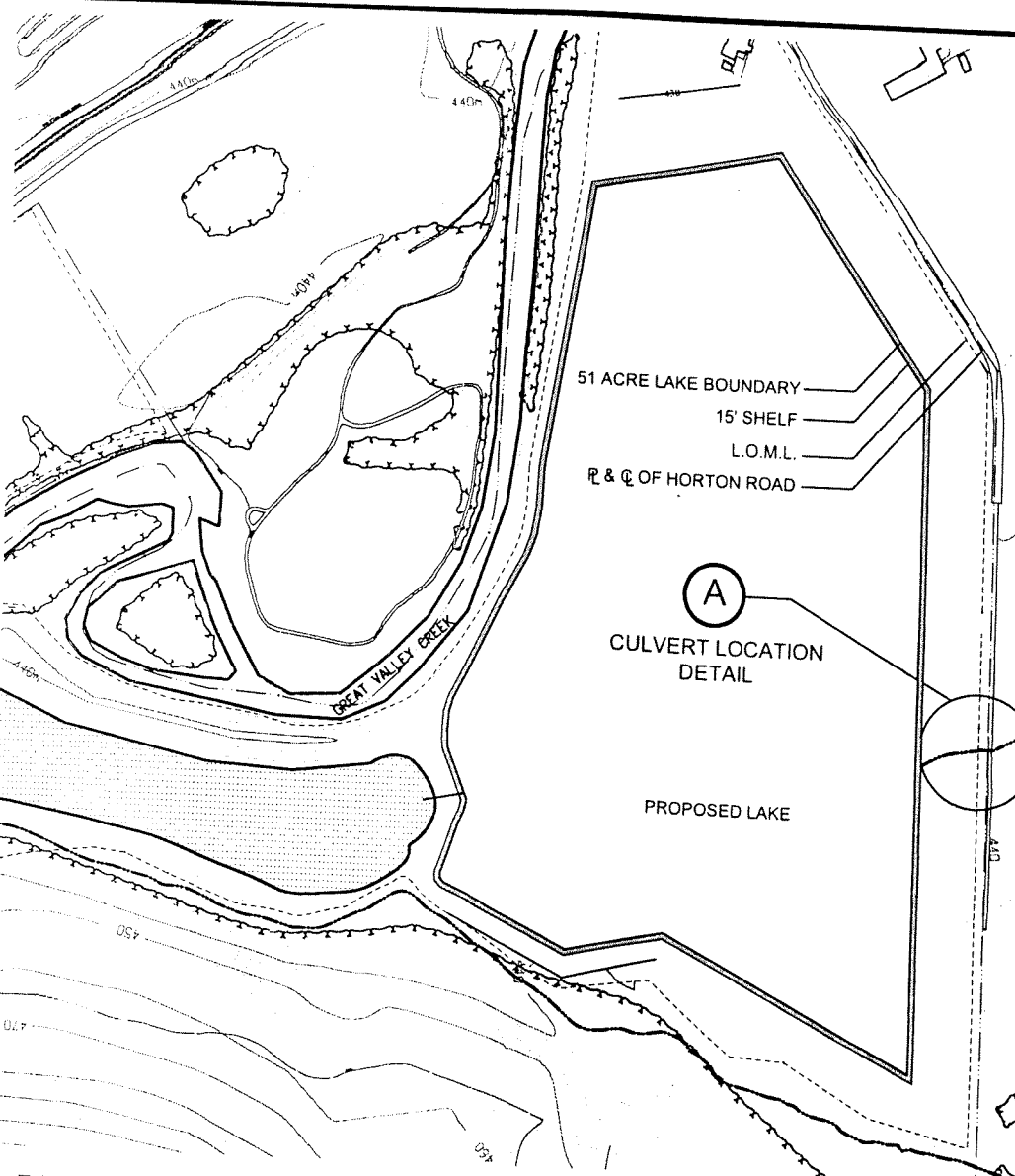
**GERNATT ASPHALT
PRODUCTS INC.**

CATTARAUGUS COUNTY NEW YORK

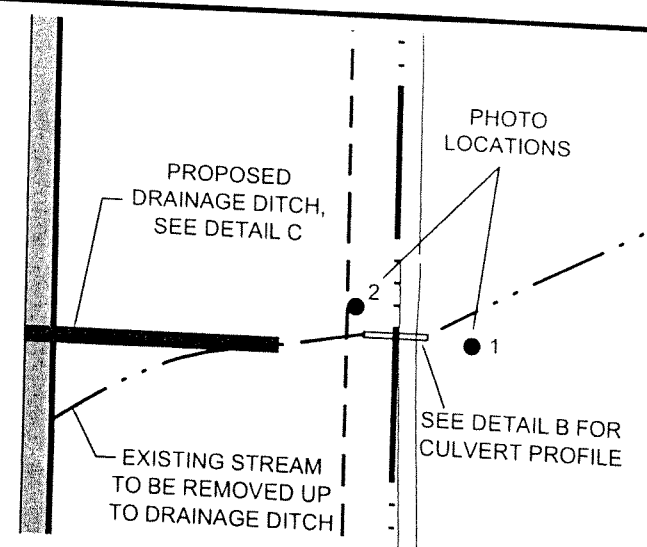
STONE APRON DETAILS

DWG. NO. 99031-012B

FIGURE



BEDROCK PIT FOOTPRINT
SCALE: 1" = 500'

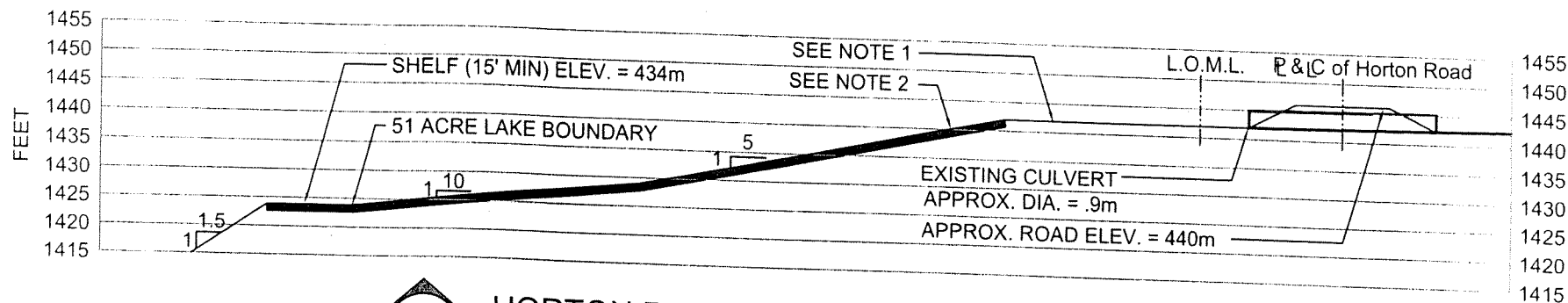


GERNATT ASPHALT PRODUCTS, INC.
D/A Processing No. 2002-02069(0)
Cattaraugus County, New York
Quad: SALAMANCA Sheet 8 of 10
MITIGATION: EAST LAKE SHELF DETAIL

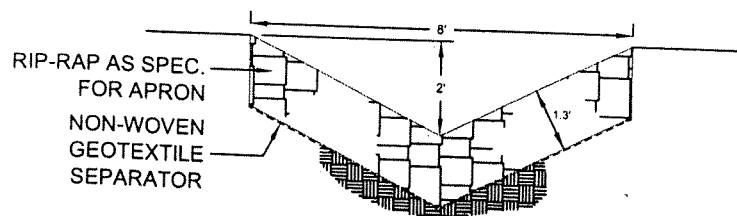
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Consulting Engineers, P.C.
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BUFFALO, NY 14214
(716) 834-8932
FAX: (716) 834-8934

GERNATT ASPHALT PRODUCTS, INC.
BEDROCK PIT
CATTARAUGUS COUNTY NEW YORK

CULVERT LOCATION
DWG. NO. 99031-024
FIGURE



B HORTON ROAD CULVERT PROFILE
SCALE: 1" = 30'



C DRAINAGE DITCH DETAIL
SCALE: 1" = 4'

NOTES:

1. EXISTING STREAM TO REMAIN UNDISTURBED UP TO CHANGE IN GRADE OF 1V:5H WHERE A DRAINAGE DITCH WILL BE CONSTRUCTED.
2. SEE DETAIL C FOR PROPERTIES OF DRAINAGE DITCH

GERNATT ASPHALT PRODUCTS, INC.
D/A Processing No. 2002-02069(0)
Cattaraugus County, New York
Quad: SALAMANCA
Sheet 9 of 10 NON-JURISDICTIONAL CULVERT

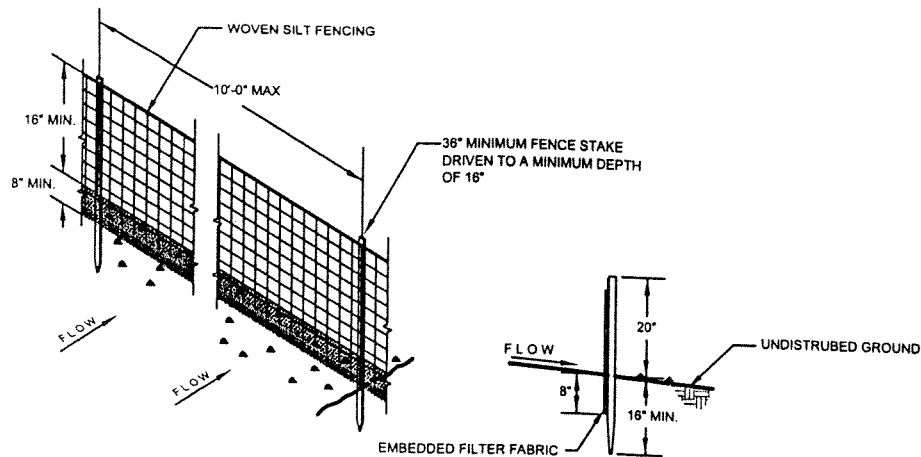
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GERNATT ASPHALT
PRODUCTS, INC.
BEDROCK PIT
CATTARAUGUS COUNTY NEW YORK

CULVERT SECTIONS

DWG. NO. 99031-024

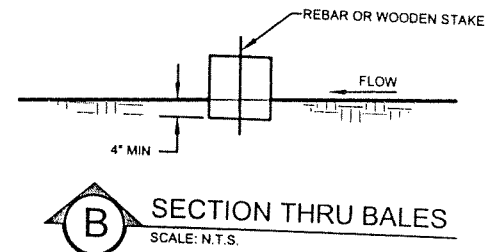
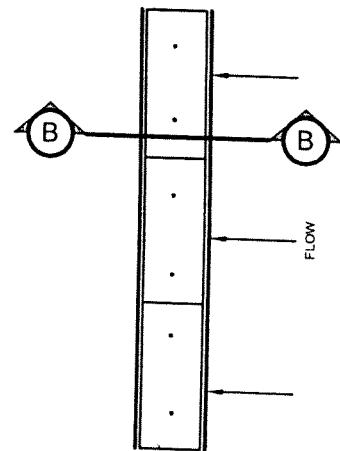
FIGURE



SILT FENCE CONSTRUCTION NOTES:

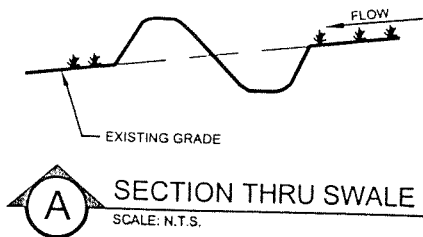
1. Woven silt fencing to be fastened securely to fence stake with ties or staples.
2. Filter cloth to be fastened securely to woven wire fence with ties spaced every 24" at top and mid section.
3. When two sections of silt fence adjoin each other they shall be overlapped by six inches and folded.
4. Maintenance shall be performed as needed and material removed when "bulges" develop in the silt fence.

POSTS: Steel either "T" or "U" type or 2" hardwood
 FENCE: Woven wire, 14 1/2 ga. 6" max. mesh opening
 FILTER CLOTH: Mirafi 100X or approved equivalent
 PREFABRICATED UNIT: Envirofence or approved equivalent



HAY BALE CONSTRUCTION NOTES:

1. Bales shall be placed at the toe or on the contour and in a row with ends tightly abutting the adjacent bales.
2. Each bale shall be embedded in the soil a minimum of 4 inches, and placed so the bindings are horizontal.
3. Bales shall be securely anchored in place by either two stakes or re-bars driven through the bale. The first stake in each bale shall be driven toward the previously laid bale at an angle to force the bales together. Stakes shall be driven flush with the bale.
4. Inspection shall be frequent and repair replacement shall be made promptly as needed.
5. Bales shall be removed when they have served their usefulness so as not to block or impede storm flow or drainage.



PERIMETER DIKE/SWALE CONSTRUCTION NOTES:

1. All perimeter dikes/swales shall have uninterrupted positive grade to an outlet.
2. Diverted runoff from a disturbed area shall be conveyed to a sediment trapping device.
3. Diverted runoff from an undisturbed area shall outlet into an undisturbed stabilized area at non-erosion velocity.
4. The swale shall be excavated or shaped to line, grade, and cross section as required to meet the criteria specified in the standard.
5. Stabilization of the area disturbed by the dike and swale shall be done in accordance with the standard and specification for seed and straw mulch, and shall be done within 10 days.
6. Periodic inspection and required maintenance must be provided after each rain event.

GERNATT ASPHALT PRODUCTS, INC.
 D/A Processing No. 2002-02069(0)
 Cattaraugus County, New York
 Quad: SALAMANCA
 Sheet 10 of 10 EROSION CONTROL DETAILS

McMahon & Mann
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GERNATT ASPHALT
 PRODUCTS, INC.
 BEDROCK PIT
 CATTARAUGUS COUNTY NEW YORK

EROSION CONTROL
 DETAILS

DWG. NO. 99031-026

FIGURE